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EXAMINER

BASHORE, WILLIAM L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 06/04/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/187,895

Applicant(s)

BUSEY, ANDREW T.

Examiner

William L. Bashore

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-- Th MAILING DATE of this communicati n appears on the cover sh et with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. This Action is responsive to communications: RCE and amendment, both filed 3/24/2003, to the original application filed 11/6/1998, which is a CIP of 08/768,606 filed 12/18/1996 - now abandoned, and CIP of 08/722,898 filed 9/27/1996, now U.S. Patent No. 5,764,916. IDS filed 12/5/2002, and 3/24/2003.
2. The rejection of claims 1-13, 15, 24-28 under 35 U.S.C. 103(a) as being unpatentable over Tang has been withdrawn as necessitated by amendment.
3. The rejection of claims 14, 16-23 under 35 U.S.C. 103(a) as being unpatentable over Tang and Rekimoto has been withdrawn as necessitated by amendment.
4. Claims 29-70 are pending. Claims 1-28 have been canceled by Applicant. Claims 29-70 have been added. Claims 29, 44, 59 are independent claims.

#### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2003 has been entered.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 29-31, 33-46, 48-61, 63-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998, in view of Bieselin et al. (hereinafter Bieselin), U.S. Patent No. 5,668,863 issued September 1997.

In regard to independent claim 1, Tang teaches coordinating media/messaging operations via a real time chat server, said server handling transmitted data (see Tang column 3 lines 59-67, column 4 lines 1-4; compare with claim 1 “*A method for coordinating a plurality of communications.....comprising*”).

Tang teaches sending a message stream in the form of initial messages and objects, sent to a chat server (chat servers process bi-directional message data), and accepting the same from other users engaged in a chat environment, said messages controlled by a chat server (see Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract). Tang also teaches a communication server in connection with a video conferencing server, and an audio conferencing server (see Tang Figure 11 items 80, 81, 83). Since item 80 is not technically a media server, a user can communicate with each of media servers 81 and 83 directly (i.e. separately, without overlap) to the extent shown via directional arrows within Figure 11 (see also Tang column 14 lines 40-43 (compare with claim 29 “*communicating between a user node and each....in a different one of the plurality of the media*”).

Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller and a data storage subsystem, said storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage, etc., item 100 controls communication between a user and audio data. It would

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have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere (compare with claim 29 "*in response to control communications between one of the media servers... in the plurality of the media at the user node.*").

**In regard to dependent claims 30-31,** Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

**In regard to dependent claim 33,** claim 33 incorporates substantially similar subject matter as claimed in claim 29, and is rejected along the same rationale.

**In regard to dependent claim 34,** Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller (for controlling communications) and a data storage subsystem, said storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage, etc., item 100 controls communication between a user and audio data. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere.

**In regard to dependent claims 35-37**, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly.

**In regard to dependent claim 38**, claim 38 incorporates substantially similar subject matter as claimed in claims 29, and in further view of the following, is rejected along the same rationale.

Tang in view of Bieselin teaches a communication server in communication with media servers. Bieselin is used for adding communication control in a system server incorporating a media server (see Tang Figure 11, Bieselin Figure 1; compare with claim 38 “*the client of the one media server and the clients of other said media servers....of the media at the user node;*”).

**In regard to dependent claim 39**, claim 39 incorporates substantially similar subject matter as claimed in claim 29, and is rejected along the same rationale.

**In regard to dependent claims 40-43**, Tang teaches a chat embodiment. A network chat session typically comprises originating media data messages (i.e. text, video, and/or audio) from a user initiating a chat session (see Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

**In regard to independent claim 44**, claim 44 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 29, and is rejected along the same rationale.

**In regard to dependent claims 45-46**, Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a

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first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

**In regard to dependent claim 48**, claim 48 incorporates substantially similar subject matter as claimed in claim 44, and is rejected along the same rationale.

**In regard to dependent claim 49**, Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller (for controlling communications) and a data storage subsystem, said storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage, etc., item 100 controls communication between a user and audio data. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere.

**In regard to dependent claims 50-52**, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly.

**In regard to dependent claim 53**, claim 53 incorporates substantially similar subject matter as claimed in claims 44, and in further view of the following, is rejected along the same rationale.

Tang in view of Bieselin teaches a communication server in communication with media servers. Bieselin is used for adding communication control in a system server incorporating a media server (see Tang Figure 11, Bieselin Figure 1; compare with claim 53 “*the one media server controlling communicating between....of the media at the user node;*”).

**In regard to dependent claim 54**, claim 54 incorporates substantially similar subject matter as claimed in claim 44, and is rejected along the same rationale.

**In regard to dependent claims 55-58**, Tang teaches a chat embodiment. A network chat session typically comprises originating media data messages (i.e. text, video, and/or audio) from a user initiating a chat session (see Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

**In regard to independent claim 59**, claim 59 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 29, and is rejected along the same rationale.

**In regard to dependent claims 60-61**, Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

**In regard to dependent claims 63**, Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio



conferencing system server comprises a system controller (for controlling communications) and a data storage subsystem, said storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage, etc., item 100 controls communication between a user and audio data. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere.

**In regard to dependent claims 64-65**, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly.

**In regard to dependent claim 66**, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly. Tang also teaches a chat embodiment, whereby various users cooperate with a chat server for transfer of communication data/media.

**In regard to dependent claims 67-70**, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly. Tang also teaches a chat embodiment, whereby various users cooperate with a chat server for transfer of communication

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data/media between users. In addition, an originating message from a chat participant is initially handled independently from other users.

8. Claims 32, 47, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998, in view of Bieselin et al. (hereinafter Bieselin), U.S. Patent No. 5,668,863 issued September 1997, and further in view of Rekimoto, U.S. Patent No. 5,956,038 issued September 1999.

In regard to dependent claims 32, 47, 62, Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

Tang does not specifically teach a Web server. However, Rekimoto teaches a chat and media (avatar) related application involving the use of a browser/server (said browser reading HTML) (Rekimoto column 21 lines 59-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Rekimoto to Tang, because of Rekimoto's taught advantage of a web server embodiment, providing a user of Tang a way to utilize a familiar and established method of communication via Internet.

#### ***Response to Arguments***

9. Applicant's arguments filed 03/24/2003 have been fully and carefully considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:00 AM to 7:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Hemdon, can be reached on (703) 308-5186. The fax number to this art unit is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

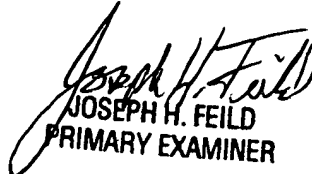
(703) 746-7240 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore  
May 30, 2003

  
JOSEPH H. FEILD  
PRIMARY EXAMINER